

### **REMARKS**

Claims 22, 43-46, 48 and 49 are pending in the application. Claims 22, 46, 48 and 49, have been withdrawn, without prejudice or disclaimer, as directed to non-elected inventions. No new matter has been introduced.

In the pending Office Action, the Examiner issued a restriction requirement contending that the pending claims are drawn to more than one invention. Specifically, the Examiner has identified the three separate inventions as:

- I. Claim 22 drawn to a method of treating an HIV infected patient.
- II. Claims 43-45 drawn to a compound of formula VI.
- III. Claims 46, 48 and 49 drawn to a compound of formulas A or B.

Pursuant to 37 C.F.R. § 1.142, Applicants hereby elect Group II, claims 43-45 drawn to a compound of formula VI. This election is made without traverse in so far as the groups identified are directed to patentably distinct subject matter. Applicants have withdrawn Claims 22, 46, 48 and 49, without prejudice or disclaimer, as directed to non-elected inventions. Applicants reserve the right pursuant to 35 U.S.C. §121 to file one or more continuing applications, such as a divisional, continuation or continuation-in-part application, directed to the non-elected inventions.

In the pending Office Action, the Examiner also requested an election of a species to facilitate the search and examination of the pending claims. For this purpose only, Applicants elect N-(2-bromo-4-methylphenyl)-2-(5-methyl-4-phenyl-4H-[1,2,4]triazole-3-ylsulfanyl)-acetamide, as disclosed on page 16, paragraphs [0093] and [0094] (*see* US published application 2006/0135556 A1). This species falls within elected Claims 43-45. Applicants reserve the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected species or subgenus in this application in the event that a generic claim is found to be allowable. Applicants also reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected inventions, species or subgenus during the pendency of the present application.

### CONCLUSION

Applicants submit the above amendments and remarks in response to the Office Action dated October 15, 2007, setting a one month or thirty (30) days shortened statutory response period for reply. A petition for a 2 month extension of time, with the appropriate fee, is filed herewith. Applicants believe that the present response is timely filed. If additional fees are due in connection with the present submission, the Commissioner is hereby authorized to charge any fees required to deposit account No. 23-2415, referencing Atty Docket No. 18545-720.831.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 350-2352.

Respectfully submitted,

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